



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 18, 2025

VIA ECF

Honorable Arun Subramanian
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Robert F. Kennedy Human Rights et al v. U.S. Dep't of Homeland Security et al.*,
25 Civ. 4349 (AS)

Dear Judge Subramanian:

We write on behalf of all parties in the above-referenced FOIA action to provide a joint status report, as directed by the Court's July 7 order, ECF No. 40. We address each of the four items in plaintiffs' FOIA request below. As detailed below, the parties respectfully propose that they submit a further status report in four weeks, or by August 15, 2025.

Item 1. As our previous status report notes, the Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) searched for records responsive to plaintiffs' request and located approximately 6,100 pages of potentially responsive records. The parties have a pending dispute before the Court about the processing rate for the CRCL records.

Separately, Customs and Border Protection (CBP) has conducted an initial search for records related to the CRCL complaints identified in plaintiffs' item 1 and has received initial results. CBP is evaluating these records to conduct an initial responsiveness review and determine if any further searches are warranted. Once the initial review is complete, CBP will provide plaintiffs a page count and expected processing timeline.

Items 2 and 3. ICE has completed processing all records responsive to these two requests. The parties agree these requests are satisfied.

Item 4. As noted in previous status reports, the parties have discussed potential search criteria and other means for the agencies to conduct searches relating to this request that will yield a reasonable volume of records for processing. In addition, the government has also provided plaintiffs with several thousand pages of productions ICE has made in a separate FOIA case, which may provide some information about the types of records that might be available in this matter. Plaintiffs continue to review these productions.

Separately, since the last status report, ICE has conducted a search in its databases and has identified approximately 16 individuals for whom its records appear to reflect an age determination was made. ICE used this information to conduct a further search for correspondence relating to these individuals. ICE expects to process these records by the end of this month.

CBP has been working with subject-matter experts to determine if there is a feasible method for searching for records responsive to this request. CBP plans to meet and confer with plaintiffs, including the relationship between requests 1 and 4.

Finally, DHS's Office of Inspector General (OIG) has searched three of its offices. Two (Office of Inspections and Evaluations and the Office of Audits) have returned a no records response. Earlier today, the third, OIG's Office of Investigations (INV), completed a search that yielded potentially responsive records. OIG FOIA staff are now reviewing the records to determine whether they are responsive.

Proposed next steps. The parties respectfully propose that they submit a joint status report in approximately four weeks, or by August 15, 2025.

The parties thank the Court for its consideration of this submission.

Respectfully,

JAY CLAYTON
United States Attorney

By: /s/ Peter Aronoff
PETER ARONOFF
Assistant United States Attorney
86 Chambers Street, 3rd floor
New York, NY 10007
Counsel for Defendant

cc (via ECF): Counsel for plaintiffs